

**EDUCATION GRANT PROGRAM FOR INDIVIDUALS IN
THE JUSTICE SYSTEM**

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val K. Potter

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

This bill creates a pilot grant program for education programs for individuals in the justice system.

Highlighted Provisions:

This bill:

- ▶ addresses the duties of the State Commission on Criminal and Juvenile Justice;
- ▶ provides for a pilot grant program to facilitate participation in a qualifying education program by certain individuals in the justice system; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63M-7-204, as last amended by Laws of Utah 2017, Chapter 330

ENACTS:

63M-7-209, Utah Code Annotated 1953



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **63M-7-204** is amended to read:

30 **63M-7-204. Duties of commission.**

31 (1) The State Commission on Criminal and Juvenile Justice administration shall:

32 (a) promote the commission's purposes as enumerated in Section [63M-7-201](#);

33 (b) promote the communication and coordination of all criminal and juvenile justice
34 agencies;

35 (c) study, evaluate, and report on the status of crime in the state and on the
36 effectiveness of criminal justice policies, procedures, and programs that are directed toward the
37 reduction of crime in the state;

38 (d) study, evaluate, and report on programs initiated by state and local agencies to
39 address reducing recidivism, including changes in penalties and sentencing guidelines intended
40 to reduce recidivism, costs savings associated with the reduction in the number of inmates, and
41 evaluation of expenses and resources needed to meet goals regarding the use of treatment as an
42 alternative to incarceration, as resources allow;

43 (e) study, evaluate, and report on policies, procedures, and programs of other
44 jurisdictions which have effectively reduced crime;

45 (f) identify and promote the implementation of specific policies and programs the
46 commission determines will significantly reduce crime in Utah;

47 (g) provide analysis and recommendations on all criminal and juvenile justice
48 legislation, state budget, and facility requests, including program and fiscal impact on all
49 components of the criminal and juvenile justice system;

50 (h) provide analysis, accountability, recommendations, and supervision for state and
51 federal criminal justice grant money;

52 (i) provide public information on the criminal and juvenile justice system and give
53 technical assistance to agencies or local units of government on methods to promote public
54 awareness;

55 (j) promote research and program evaluation as an integral part of the criminal and
56 juvenile justice system;

57 (k) provide a comprehensive criminal justice plan annually;

58 (l) review agency forecasts regarding future demands on the criminal and juvenile

59 justice systems, including specific projections for secure bed space;

60 (m) promote the development of criminal and juvenile justice information systems that
61 are consistent with common standards for data storage and are capable of appropriately sharing
62 information with other criminal justice information systems by:

63 (i) developing and maintaining common data standards for use by all state criminal
64 justice agencies;

65 (ii) annually performing audits of criminal history record information maintained by
66 state criminal justice agencies to assess their accuracy, completeness, and adherence to
67 standards;

68 (iii) defining and developing state and local programs and projects associated with the
69 improvement of information management for law enforcement and the administration of
70 justice; and

71 (iv) establishing general policies concerning criminal and juvenile justice information
72 systems and making rules as necessary to carry out the duties under Subsection (1)(k) and this
73 Subsection (1)(m);

74 (n) allocate and administer grants, from money made available, for approved education
75 programs to help prevent the sexual exploitation of children;

76 (o) allocate and administer grants funded from money from the Law Enforcement
77 Operations Account created in Section 51-9-411 for law enforcement operations and programs
78 related to reducing illegal drug activity and related criminal activity;

79 (p) request, receive, and evaluate data and recommendations collected and reported by
80 agencies and contractors related to policies recommended by the commission regarding
81 recidivism reduction;

82 (q) establish and administer a performance incentive grant program that allocates funds
83 appropriated by the Legislature to programs and practices implemented by counties that reduce
84 recidivism and reduce the number of offenders per capita who are incarcerated;

85 (r) oversee or designate an entity to oversee the implementation of juvenile justice
86 reforms; [~~and~~]

87 (s) make rules and administer the juvenile holding room standards and juvenile jail
88 standards to align with the Juvenile Justice and Delinquency Prevention Act requirements
89 pursuant to 42 U.S.C. Sec. 5633[-]; and

90 (t) allocate and administer grants, from money made available, for pilot qualifying
91 education programs provided for in Section 63M-7-209.

92 (2) If the commission designates an entity under Subsection (1)(r), the commission
93 shall ensure that the membership of the entity includes representation from the three branches
94 of government and, as determined by the commission, representation from relevant stakeholder
95 groups across all parts of the juvenile justice system, including county representation.

96 Section 2. Section 63M-7-209 is enacted to read:

97 **63M-7-209. Pilot program of competency-based career and technical education**
98 **grants.**

99 (1) As used in this section:

100 (a) "Certificate program provider" means an institution of higher education, as
101 described in Section 53B-2-101, that provides competency-based career and technical
102 education.

103 (b) "Commission" means the State Commission on Criminal and Juvenile Justice.

104 (c) (i) "Competency-based career and technical education" means career and technical
105 education that will result in appropriate licensing, certification, or other evidence of completion
106 of training and qualification for specific employment.

107 (ii) "Competency-based career and technical education" includes services provided
108 under Section 53B-2a-106.

109 (d) "Qualifying education program" means a program overseen by a city or county
110 prosecutor office to provide for an individual obtaining:

111 (i) a high school diploma or a Utah high school completion diploma as defined by rule
112 made by the State Board of Education in accordance with Title 63G, Chapter 3, Utah
113 Administrative Rulemaking Act; or

114 (ii) competency-based career and technical education.

115 (e) "Service area" means:

116 (i) the area listed in Section 53B-2a-105 for a technical college; or

117 (ii) an area listed for a higher education institution for which the higher education
118 institution provides competency-based career and technical education.

119 (2) In accordance with this section, the commission shall establish a pilot grant
120 program for fiscal year 2019 that funds the costs of two attorneys who:

121 (a) are located in different prosecutor offices that operate in areas that have proximity
122 to a technical college, as defined in Section 53B-1-101.5; and

123 (b) oversee a program that provides for participation in a qualifying education program
124 by an individual who is convicted of, pleads guilty to, or pleads no contest to a misdemeanor or
125 third degree felony:

126 (i) as an alternative to incarceration;

127 (ii) for a reduction of fines or court fees;

128 (iii) for a two-step conviction reduction under Section 76-3-402; or

129 (iv) for a combination of the actions described in Subsections (2)(b)(i) through (iii).

130 (3) The grant program shall include the following established by the commission by
131 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

132 (a) an application process for a prosecutor office to follow to establish a qualifying
133 education program;

134 (b) demonstration to the satisfaction of the commission that the prosecutor office has:

135 (i) a procedure for determining individuals to participate in the qualifying education
136 program to be eligible for an action listed in Subsection (2);

137 (ii) coordinated with the certificate program provider for the service area in which the
138 prosecutor office is located to provide competency-based career and technical education;

139 (iii) established a process for tracking individuals participating in and completing a
140 qualifying education program;

141 (iv) access to community and government counseling programs for the individuals in
142 the qualifying education program;

143 (v) requirements for participation in employment assistance programs through the
144 certificate program provider or the Department of Workforce Services; and

145 (vi) a procedure to be followed if an individual who enters a qualifying education
146 program fails to participate in or complete the qualifying education program; and

147 (c) an outline of how the grant money will be spent.

148 (4) The commission may determine:

149 (a) the amount of a grant, subject to budget constraints; and

150 (b) reporting requirements for grant recipients, which include:

151 (i) the number of participants under the qualifying education programs receiving the

152 grants; and

153 (ii) the number of participants that complete the qualifying education program
154 described in Subsection (4)(b)(i).

155 (5) As a condition of participating in a qualifying education program under this section,
156 an individual shall:

157 (a) comply with the requirements of the plea agreement entered into by the individual,
158 the prosecutor, and the court; and

159 (b) work with a financial aid officer for a qualifying education program and pay the
160 tuition for the competency-based career and technical education charged by the certificate
161 program provider.

162 (6) If an individual completes a qualifying education program under this section, a
163 court may take an action described in Subsection (2).

Legislative Review Note
Office of Legislative Research and General Counsel